

## **COUNTY BOARD OF ZONING APPEAL #06001**

**TYPE OF APPEAL:** THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO A VARIANCE.

Section 4.017(a) of the Lancaster County Zoning resolution requires a lot area of 20 acres, an average lot width of 550 feet and a lot frontage of 550 feet. A variance of the lot area to 0.92 acres, average lot width to 100 feet and a lot frontage to 100 feet is requested.

**LOCATION:** Generally located northeast of S.W. 29th St and W. Martell Road.

**ADDRESS:** 2840 W. Martell Road.

**LEGAL:** Lot 43 I.T. located in the SW 1/4 of Sec. 21, T 8 N, R 6 E, of the 6th P.M., Lancaster County, Nebraska

**APPLICANT:** Marcia Murray  
7141 A Street  
Lincoln, NE 68510  
402-432-3989

**OWNER:** Lloyd and Mildred Sittler  
2840 W. Martell Road  
Martell, NE 68404  
401-794-6175

**LOT AREA:** 0.92 acres (0.84 acres net)

**ZONING:** AG Agriculture

**EXISTING LAND USE:** This is a vacant lot

**SURROUNDING LAND USE:** Martell housing zoned AG and R to the south, farmland zoned AG to the north and west. Housing, church and fire station to the east, zoned AG and R.

### **STAFF FINDINGS:**

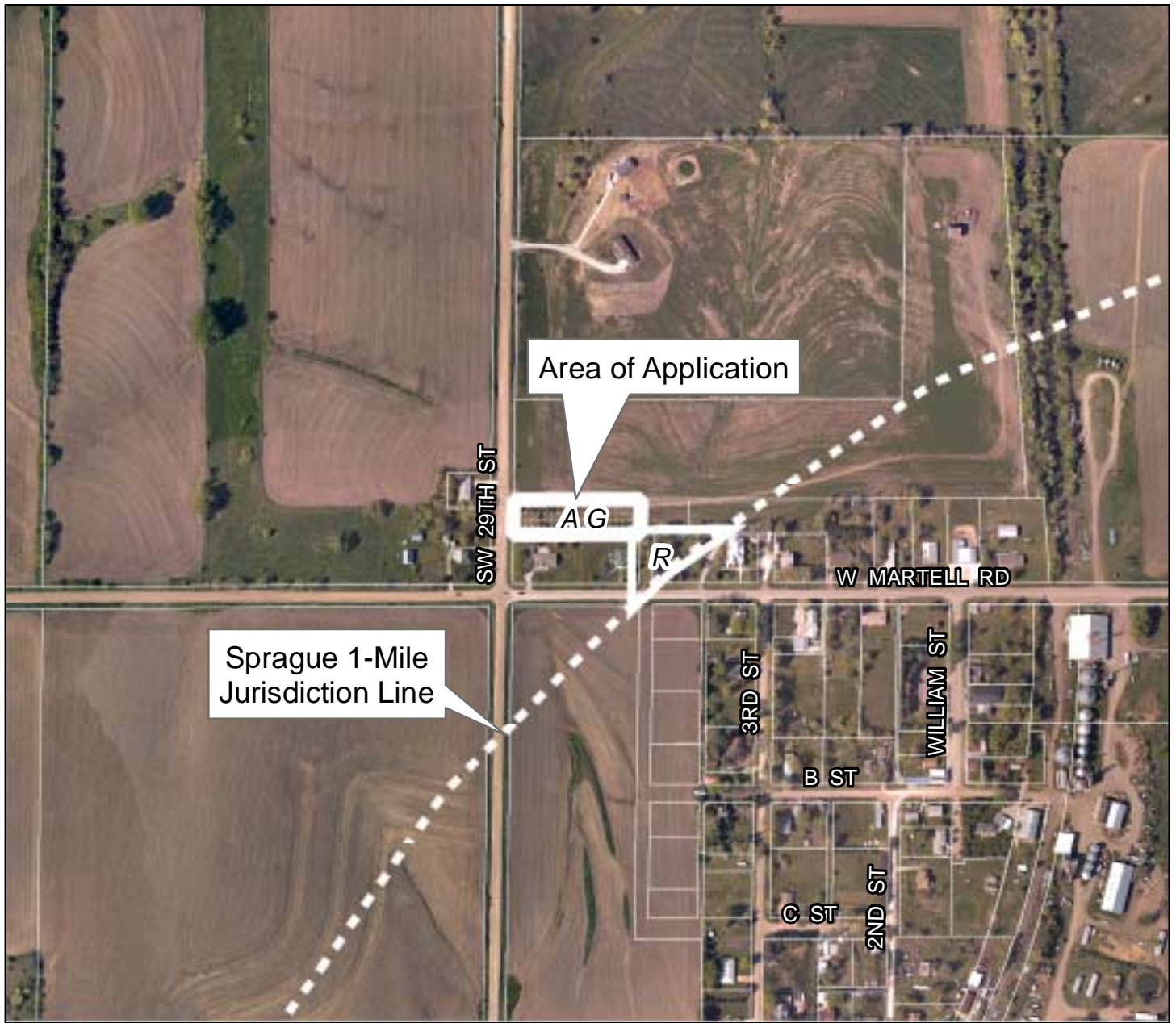
1. This is a request for a variance, Article 19.001 of the County Zoning states  
“2) Powers Relative to Variances. To hear and decide upon petitions for variances, and subject to such standards, principles and procedures provided in this resolution, to vary the strict application of the height, area, parking or density requirements to the extent necessary to permit the owners a reasonable use of their land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned.”
2. This lot (43) was created in 1972 without benefit of subdivision and with less area then required at the time by the county zoning.

3. The adjoining Lot 5 was created in 1920 and is “grandfathered”. Lot 5 has two residences on the lot. The zoning code allows only one main use on a lot.
- 4.. The applicant states they had assumed in 1972 that this was in the Sprague jurisdiction for zoning, subdivision, and building permits and had gone to Sprague for approval.
5. The applicant has applied for a County Administrative Subdivision Permit to shift the common lot line to a north-south configuration to allow each house to be on its own lot. This cannot be approved at this time since Lot 43 is not a legal “grandfathered” buildable lot.
6. Approval of the variances will allow the subdivision to be approved under the provisions of Article 17.029 Alteration of Lots. If approved, this will result in a reconfiguration of the lots with each dwelling being located, with its own septic system, on its own lot.
7. The circumstances of the building permits and lot creation appear to have been errors in good faith and represent an unusual circumstance. This would correct those errors and permit a better layout and use of the land.
8. County Board of Zoning Appeals is advisory to the Lancaster County Board for final action.

Report prepared March 29, 2006

Mike DeKalb  
Planner

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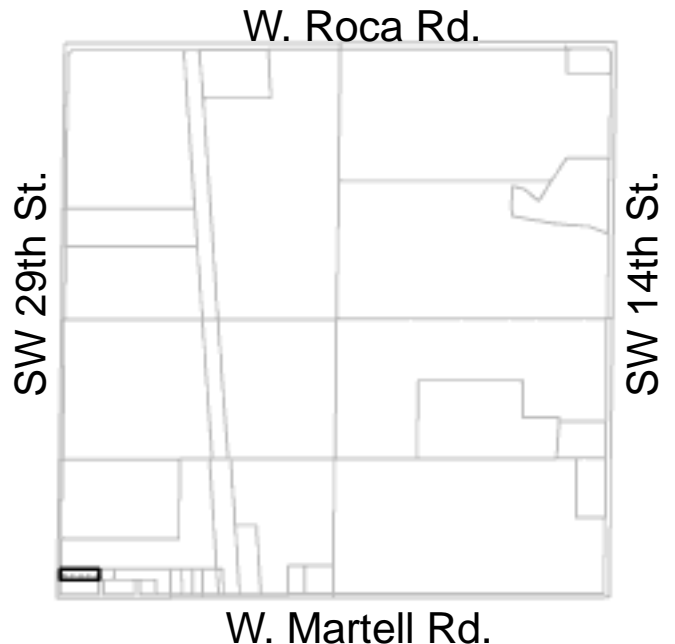
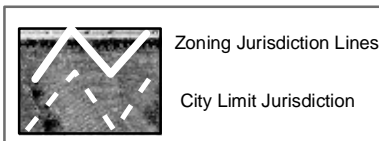
## County Board of Zoning Appeals #06001 2840 W. Martell Rd

2005 aerial

### Zoning:

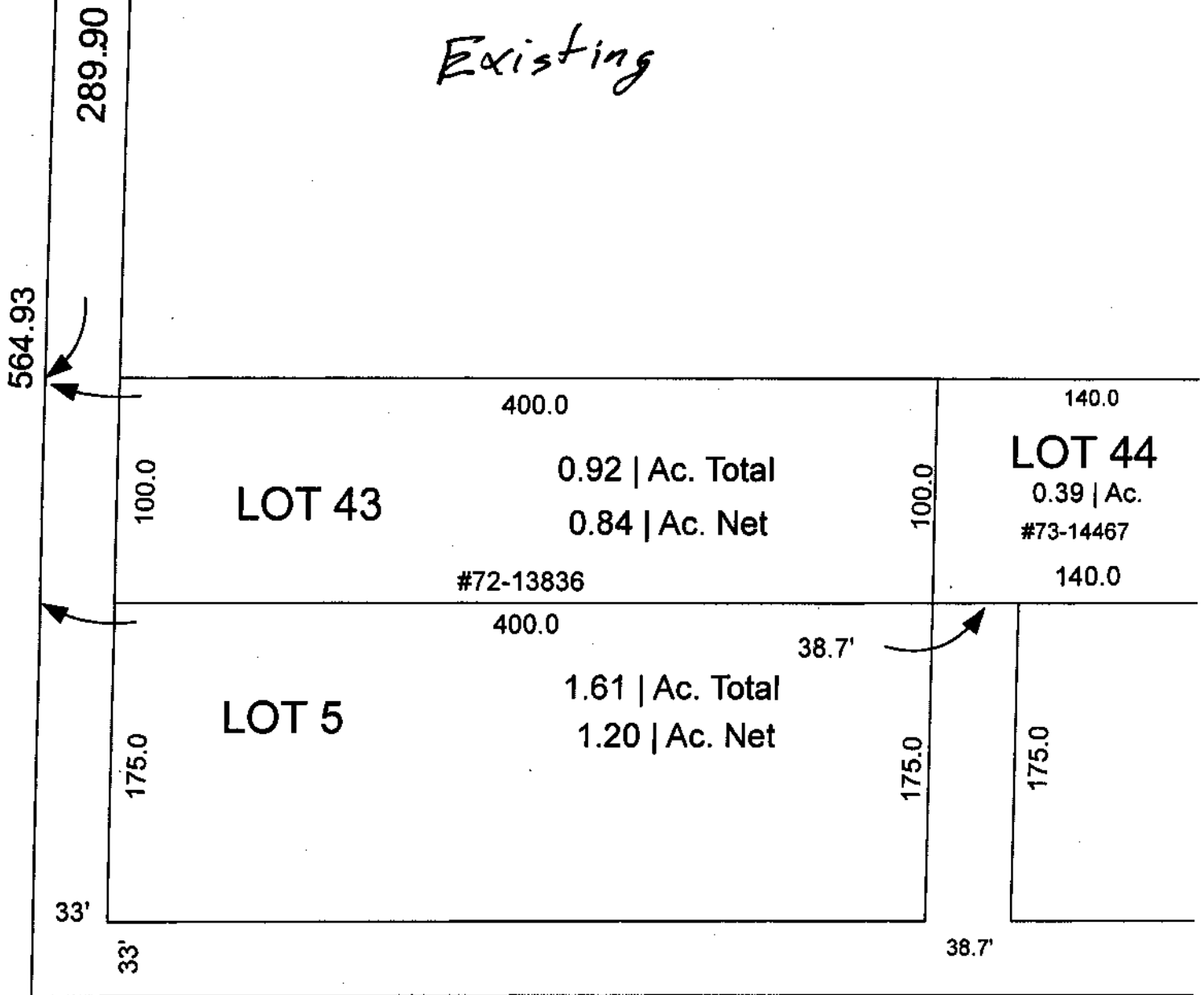
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 21 T8N R6E





*Existing*



**County Board of Zoning Appeals #06001  
2840 W. Martell Rd**

Job No. 34593

November 1, 2006

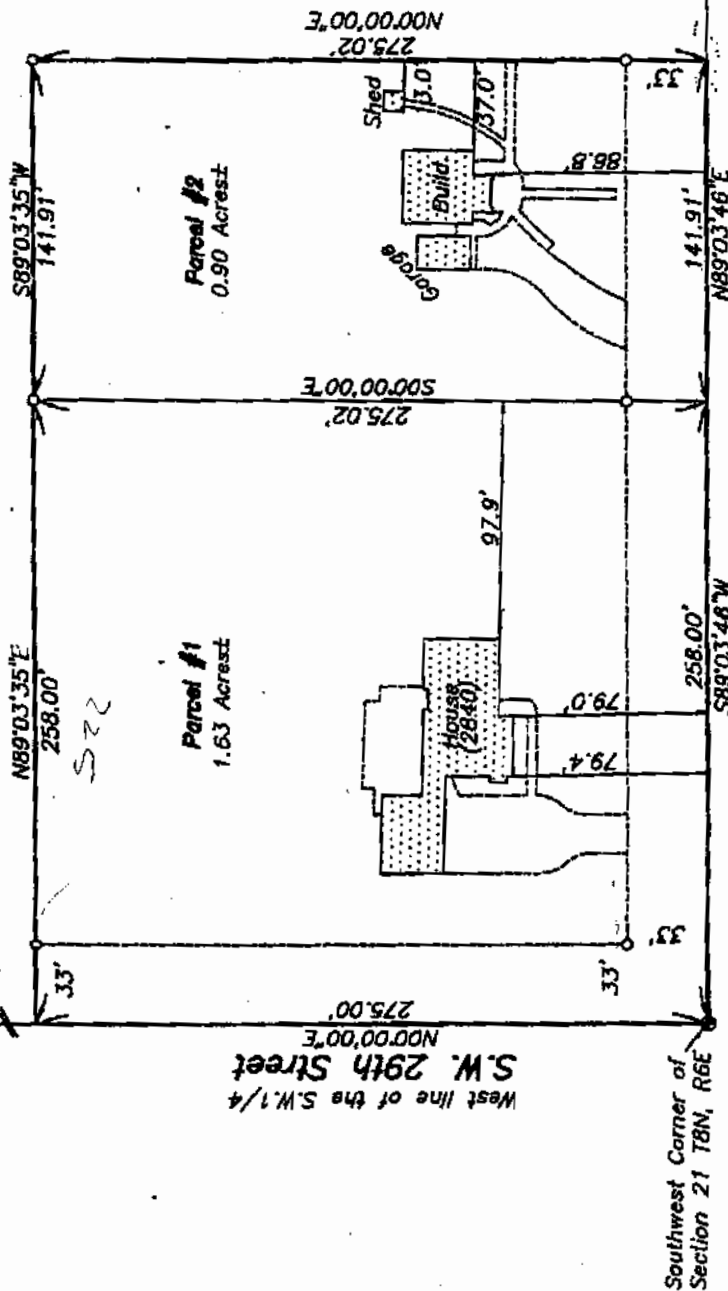
**Proposed**  
**Official Survey Record**

LANCASTER County, Nebraska  
 Phone (402) 434-2686  
 Fax (402) 434-2687

ALLIED SURVEYING AND MAPPING, INC.  
 6120 South 58th Street - Suite "A" - Lincoln, Nebraska 68516

Survey of Lots 5 and 43 of Irregular Tracts located in the Southwest Quarter  
 of Section 21 T. 8 N., R. 6 E. East of the 6th P.M.

West 1/4 Corner of  
 Section 21 T8N, R6E



Signed this 14th day of February, 2006

NAME

DENNIS D. SIMONDS

Surveyor's License # 343 (SEAL)  
 Nebraska L.S.

**SURVEYORS CERTIFICATE**

I hereby certify that I have accurately surveyed the property in the above plat. Iron T.C.B.U.C. were set at points marked o. All dimensions are in feet.

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**2840 W. Martell Rd**

*Proposed*

**LEGAL DESCRIPTION: Parcel 1**

Beginning at the Southwest Corner of Lot 5 of Irregular Tracts located in the Southwest Quarter of Section 21 Township 8 North, Range 6 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska; thence in a Northerly direction on the Westerly line of Lots 5 and 43 of Irregular Tracts and on an assumed bearing of North 00 degrees 00 minutes 00 seconds East for a distance of 242.00 feet to the Northwest Corner of Lot 43 of Irregular Tracts.

THENCE North 89 degrees 03 minutes 35 seconds East on the North line of said Lot 43 for a distance of 225.00 feet.

THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 242.01 feet to a point on the South line of said Lot 5.

THENCE South 89 degrees 03 minutes 46 seconds West on the South line of said Lot 5 for a distance of 225.00 feet to the **POINT OF BEGINNING**.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 1.25 acres more or less.

**LEGAL DESCRIPTION: Parcel 2**

Beginning at the Southeast Corner of Lot 5 of Irregular Tracts located in the Southwest Quarter of Section 21 Township 8 North, Range 6 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska; thence in a Northerly direction on the Easterly line of Lots 5 and 43 of Irregular Tracts and on an assumed bearing of North 00 degrees 00 minutes 00 seconds East for a distance of 242.02 feet to the Northeast Corner of said Lot 43.

THENCE South 89 degrees 03 minutes 35 seconds West on the North line of said Lot 43 for a distance of 141.91 feet.

THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 242.01 feet to a point on the South line of said Lot 5.

THENCE North 89 degrees 03 minutes 46 seconds East on the South line of said Lot 5 for a distance of 141.91 feet to the **POINT OF BEGINNING**.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 0.79 acres more or less.

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